

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ENVIRONMENTAL JUSTICE HEALTH ALLIANCE;
CENTER FOR COMMUNITY ACTION AND
ENVIRONMENTAL JUSTICE; EAST YARD
COMMUNITIES FOR ENVIRONMENTAL JUSTICE;
NEW JERSEY ENVIRONMENTAL JUSTICE
ALLIANCE; TEXAS ENVIRONMENTAL JUSTICE
ADVOCACY SERVICES; NATURAL RESOURCES
DEFENSE COUNCIL, INC.; NATIONAL AUDUBON
SOCIETY; NEW YORK CIVIL LIBERTIES UNION;
and SIERRA CLUB,

Plaintiffs,

v.

COUNCIL ON ENVIRONMENTAL QUALITY; and
MARY B. NEUMAYR, in her official capacity as
Chairman of the Council on Environmental Quality,

Defendants.

No. 20 Civ. 6143 (CM)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, defendants the Council on Environmental Quality and Mary B. Neumayr, in her official capacity as Chairman of the Council on Environmental Quality (together, “Defendants”), by their attorney, Audrey Strauss, Acting United States Attorney for the Southern District of New York, hereby move this Court for an Order pursuant to Federal Rule of Civil Procedure 12(b)(1) dismissing with prejudice Plaintiffs’ Complaint, and granting such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to prior Orders of the Court (Dkt. Nos. 20, 34, and 46), Intervenor’s papers, if any shall be filed no later than November 20, 2020, opposition papers, if any, shall be filed on or before December 18, 2020, and reply papers, if any, shall be filed on or before January 20, 2021.

Dated: November 17, 2020
New York, New York

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney of the
Southern District of New York

By: /s/ Danielle J. Levine
DANIELLE J. LEVINE
ZACHARY BANNON
Assistant United States Attorneys
86 Chambers Street, Third Floor
New York, New York 10007
Tel.: (212) 637-2689/2728
Fax: (212) 637-2702
E-mail: danielle.levine@usdoj.gov
E-mail: zachary.bannon@usdoj.gov

JOHNATHAN BRIGHTBILL
Principal Deputy Assistant
Attorney General

PAUL SALAMANCA
Deputy Assistant Attorney General